

REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 35-84 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(b)

Claims 35-59, 63-69, 73-82, and 84 stand rejected under 35 U.S.C. 102(b) as being anticipated by Agrawal, et al. (US 6,314,534 B1), hereinafter referred to as “Agrawal”. While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, does not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

According to the Manual of Patent Examining Procedure (MPEP) 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, expressly or inherently described, in a single prior art reference.” Citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent Claims 35, 50, 52, 75, 77, 78, 79, 82, and 84 are patentable because Agrawal fails to disclose (expressly or inherently) each and every element as set forth in the independent claims.

For example, nothing in Agrawal discusses (expressly or inherently) “generating a first address fragment for a first address value, and a second address fragment, which is consecutive of the first address fragment, for a second address value,” as recited in independent Claim 35. Substantially similar elements are recited in independent claims 50, 52, 75, 77, 78, 79, 82, and 84. In other words, two consecutive address fragments are generated for two address values (the “first address value” and the “second address value”).

In support of the rejection, the Examiner cites the Abstract of Agrawal, which discusses:

A novel and improved method and apparatus for address generation in an interleaver is provided. In accordance with one embodiment of the invention, an address is generated using a random address fragment and a bit reversed address fragment. The bit reversed address fragment is selected by first generating two consecutive bit reversed fragments. The second bit reversed fragment is selected when the first bit reversed address fragment generates an address that is greater than a maximum address. The address generator allows address generation for interleaver and deinterleaver frame sizes of N, where N is not an integer power of two, without any cycle penalty. (*Emphasis added*)

Thus, in other words, a single address is generated using a random address fragment and a bit reversed address fragment. See also col. 2, lines 29-35 of Agrawal. In stark contrast, the independent claims recite the generation of two address fragments ("a first address fragment" and "a second address fragment") for two address values. Not only is only a single address generated in the cited passage of Agrawal, Agrawal's bit reversed address fragment and pseudo random address fragments are not consecutive address fragments. The only reference to consecutive address fragments in Agrawal refers to "consecutive bit reversed fragments." See Abstract of Agrawal. Agrawal's "consecutive bit reversed fragments" are generated in order to select a single bit reversed fragment. Thus, because they are not consecutive fragments, Agrawal's single bit reversed fragment and pseudo random address fragment which are used to generate "an address" cannot be fairly analogized to "a first address fragment for a first address value, and a second address fragment, which is consecutive of the first address fragment, for a second address value" (*emphasis added*), as recited in the independent claims. Since Agrawal fails to disclose (expressly or inherently) each and every element of the independent claims, claims 35, 50, 52, 75, 77, 78, 79, 82, 84 and all claims dependent therefrom are patentable over Agrawal. Applicant therefore respectfully requests that the rejection be withdrawn.

3.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claims 60, 61, 70, 71 and 83 under 35 U.S.C. § 103(a) as being unpatentable over Agrawal in view of Chang (US 5,687,325), hereinafter referred to as "Chang". While not conceding that the cited references qualify as prior art, but

instead to expedite prosecution, Applicant has chosen to respectfully disagree and traverse the rejection as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Chang is not cited as disclosing any of the elements of independent claims 35, 50, 52, 75, 77, 78, 79, 82, and 84. Thus, claims 60, 61, 70, 71, and 83 are patentable at least due to their dependency on allowable independent claims 52 and 82. Applicant therefore respectfully requests that the rejection be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Ronald S. Liu; Reg. No. 64,170/

By Ronald S. Liu
Registration No. 64,170

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024
ronald.liu@ericsson.com
(972) 583-8512